It Would Interfere With the 3-Platoon Plan. Which Abolishes "Soft Snape," He Says Plenty of Influence Behind These Jobs. and It Will Be Exerted to Keep Them. Police Commissioner Murphy was asked yesterday to make known the names of the private institutions which he says are receiving police protection at the public ex-By depriving these places of the privilege of the special services of uniformed policemen, Col. Murphy has worked it out that he can carry the three-platoon system into effect without an additional penny's cost to the city and without increasing the force, and he asserts that his plans will be advantageous to the public for the reason that it will be possible to have more men on duty

at night and will relieve the city of the burden

of protecting private institutions with spe-

cially detailed men. But when asked by a Sun

reporter yesterday for a list of the private es-

way Col. Murphy declined to give it. It might seriously interfere with the projet I have in mind," he explained, "if were to permit the names of those institutions to be published now. When the proper time comes the public shall have a full list of them. In a few days I expect to receive the report of Deputy Commissioner Devery, and Inspectors P. H. McLaughlin, Kane and Brooks, whom I appointed to consider the question of the three-platoon system in all its details. When I get that report I shall be in a better position to talk about this matter than I am to-day."

Col. Murphy would not admit that the reason why he withheld the names of the persons and institutions specially protected was because he feared the influence they could exert might defeat his scheme. It known, however, that already pressure being brought upon the powers behind the city's administration to have the lucky policemen retained in their "soft snaps." Murphy says they wont be.

It is unreasonable," he said "that the public should be called upon to pay for the safeguarding of private property. I don't wish, for good reasons, to say at this moment just how many policemen are engaged in this work, but the number is large and the expense to the city every year is great. These policemen get \$1,400 a year each, and the city which has to pay them receives ab-

anomaly should exist, and I propose to make a change
"It is suppossible to say'at whose door this state of things can be laid. It has been going on for years, and has developed with time. Each succeeding Police Board thought it. I suppose, their duty to continue a situation which they found on entering office, simply because it had been acquiesced in by their predecessors. But that is no reason why I should allow this system of gratultous police service to continue, and I mean to stop it. If the people who run these places think they need extra protection, they must be perfectly willing to give to any men they may employ the powers of special policemen, but I have made up my mind that they cannot have my men. I want my men to do proper police duty. And I intend to have 'em.

"For another thing I am opposed to the giving of easy jobs to a few policemen simply because they have some influence back of them. Such favors as are going around in the department should go by merit, and not by 'pull'

Commissioner Murphy said that he did not

Commissioner Murphy said that he did not propose to pay a moment's heed to the criticisms and even threats which have followed his announcement that he favors the three-

bropose to pay a moment's need to the criticisms and even threats which have followed his announcement that he favors the three-piatoon day. The said, "that public opinion is with me. I have received hundreds of letters from men of all shands or opinion and of standing in that public opinion and of standing in that promo would become a sort of politics a cauculated his men of all shands or opinion and of standing in the proposed how many politicians do you see visiting my administrated his proposed has generally thought that my form would become a sort of politics a cauculation of the farm was generally thought that my follow of the steps that I have taken and some of the steps that I have taken and some of the steps that I have taken and some of the changes! intend to bring about. Some strong advice to "be good" went out to the patrolmen vosterday through the channels of the Follocemens. Benevoles Association. The men were earnestly with that as soon as the new their duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and that there was to be no "beating the lattice duty for all they were worth and the proposed change in the department itself some of the men system and they don't want eight hours' rest in the station at a time. The detailed patrolimen are, of course, opposed to the men system is comin' in They're fixed too strong.

Deputy Commissioner Vork of Brooklyn was at Headquarters resterday and spent the proposed

MELODY GETS A STAY.

High Court Will Now Pass on Constitutionality of Commissioner of Jurors Law.

Supreme Court Justice Gaynor in Brook-Ivn vesterday granted a stay on appeal from the order requiring William E. Melody to deliver to Jacob Brenner all the books and papers of the office of Commissioner of Jurors in Kings county. The Legislature passed a bill consolidating the offices of Special Commissioner of Jurors, with that Demurrer to the Indictment to Be Argued Pirst of the Commissioner of Jurors and gave the appointing power to the Appellate Division of the Supreme Court. That body appointed Magistrate Brenner to succeed William E. to plead to the indictment charging him Melody as Commissioner of Jurors. Mr. with neglect of duty in his administration of Melody held that the law was unconstitutional as it was a county office and the Commissioner could not therefore be appointed by the Appellate Division, which was a State

stice Maddox granted an order requiring Justice Maddox granted an order requiring Mr. Melody to turn over the books and papers to Mr. Brenner, and then issued an order or the arrest of Mr. Melody because he had alied to obey the former order. Justice Marean then granted a stay from the order of arrest. Justice Gaynor says that there is a grave question of Constitutionality involved in the case, and as a result, the petitioner is without clear legal title to the offic, which is necessary to entitle him to an order which is necessary to entitle him to an order requiring the books and papers of the office,

which is necessary to entitle him to an order requiring the books and papers of the office, to be turned over to him.

Justice Gaynor further says:

I cannot accept the statement that the appointing officers under the act made a Judicial determination of its Constitutionality by appointing the petitioner. They could not ladicially decide the question. They acted under no judicial sanction whatever. Their duty of appointing was not judicial, but purely ministerial. They could have been required by this court by a writ of mandamus to make appointment if the act be constitutional, and if it be not they could have been restrained in a proper suit from making the appointment, so as to settle the question in advance, and avoid a disturbance of the office. That they held high judicial be suffix and a just reproach to this court to permit that fact to warp the course of justice. It is so well known to our learned profession that there can be no indicial detice. It is so well known to our learned dession that there can be no judicial deprofession that there can be no Judicial de-termination except upon due process of law, as prescribed by the Constitution, the very essence of which is a judicial hearing upon due notice prescribed by law to those to be affected by their rights, that it does not need to be so much as mentioned. The contrary suggestion is so feeble that I suppose I could by common consent have passed it by with-out notice."

notice no matter will now go to the Court of eals where the question of the Consti-onality of the law will be decided. In meantime Mr. Melody holds the fort and office is guarded night and day by the ks who are serving under Mr. Melody rider to prevent Mr. Brenner getting a hold.

Colorado Springs, Ogden, Salt Lake, Deadwood and other Western points will be made during June and July by the Chicago and North-Western Rallway, The Pioneer Line Full information at North-Western Line Orice, 461 Broadway, New York, Adv...

DEATH OF RICHARD WALKE. Member of Old Virginia Family in Which Sui-

cidal Mania is Marked. NORFOLK, Va., June 24.—A cable message received here this evening by relatives announced the death on June 20, aboard the Anchor Line steamer Furnessia, which lately sailed from New York for Glasgow, of Mr. Richard Walke.

Mr. Walke was a member of the law firm of Walke & Old, and Treasurer of the Henry Walke Hardware Company, the founder of which, Mr. Henry Walke, a brother of the deceased, killed himself in Brooklyn two years ago.

Mr. Richard Walke, the manner of whose

Mr. Richard Walke, the manner of whose death is not stated in the cablegram, was much depressed when he sailed recently accompanied by his wife and Mr. Edward Bradford, a friend.—The suicidal mania in the Walke family, which is old and prominent, is marked. Only recently Richard Walke's son killed himself at the University of Virginia. of Virginia.

MRS. WHITEHEAD RETALIATES.

Brings Suit Against Husband for Sopa tablishments which had been favored in this on the Ground of Cruelty.

Lydell Whitehead, who was unsuccessful in his efforts to get a divorce from his wife, has now to face a suit for separation brought by his wife on the grounds of cruel and inhuman treatment. She alleges that he accused her of infidelity, which is as cruel a charge as could be brought against a wife. Appli-cation was made to Supreme Court Justice Gaynor in Brooklyn yesterday for \$150 a week alimony and \$1,000 counsel fee pending the trial of the suit. She avers that he has a large income from his business and other properties and that he owns the trotting horse Saratoga Belle.

In opposing the motion Mr. Whitehead's affidavit was read by his counsel, Howe & affidavit was read by his counsel, Howe & Hummel, Mr. Whitehead alleges that he sued his wife for a divorce and named John Frederick Thomas as the corespondent. The information as to the acts of infidelity was brought to him by members of his family. He says that she admitted to him that she had been in the company of Mr. Thomas, but had not wronged her husband. The defendant asked her if she didn't know she nad done wrong and she replied. "I was infatuated with Thomas, but there was never anything wrong."

wrong.

He also alleges that he had excellent cause for the suit, "in addition to which," he says, "my wife and her counsel were certainly more surprised than I when the jury on the trial of the issues of fact made a finding in

more surprised than I when the surprised that I want the favor.

Mr. Whitehead says he immediately told her that in consequence of the verdict he wanted her to return to his home at Camelot. Dutchess county, where she would receive all the comforts of life that he could possibly give her. She failed to return to his home. He further says in his affidavit.

"Of course the Court can realize that, convinced as I was of my wife's infidelity, I cannot entertain for her the same sentimental feeling as I did when I believed her pure; but I desire to impress on this Court that I am ready, and always have been since the verdict in my divorce case, that Mrs. Whitehead shall have every right she had as my wife."

He denies that he has a large income. He says the trotting horse Saratogs Belle is owned by his brother, but that he owns the trotting horse, Virginia, which he is willing to sell at any time for \$500.

Justice Gaynor took the papers and reserved decision.

FORGER ROLLER JUMPS HIS BAIL. Pails to Appear for Sentence-Will Cost His Bondsman \$10,000.

Charles L. Roller of Newark, who was arrested in California a few weeks ago and brought to Newark to be tried on twelve

Rican, and his wife and child, who arrived yesterday from San Juan aboard the Red D Line steamship Philadelphia, were not permitted to land at the ship's pier, but were taken to Ellis Island Senor Diaz was puztaken to Ellis Island. Senor Diaz was puzzled over his treatment. He had expected to go ashore with the other cabin passengers and meet his friend Senor Rivera, a newspaper editor here. Senor Rivera went to Ellis Island and salled back to the city with Senor Diaz. Commissioner Fitchie aid not detain the Senor. It is a rule, pending the settlement of the question of the exact status of Perto Rico, that all natives of the island arriving here must pass in by way of Ellis Island.

CAR AFIRE IN BROADWAY. Great Rush of Unnecessary Engines to Put It

Out-Nobody Hurt. A Lexington avenue car was coming down Broadway yesterday afternoon when, at ing gardens of flowers, while the entire place Broadway yesterday afternoon when, at Bleecker street, smoke and flames suddenly shot up out of the middle of the floor. No one happened to be sitting over that part of the floor and those who were in the ether seats jumped out in a hurry. An alarm was sent in and all the fire apparatus which usually comes to a Broadway fire was soon clanging and puffing about the blazing car. one happened to be sitting over that part of the floor and those who were in the other seats jumped out in a hurry. An alarm was sent in and all the fire apparatus which usually comes to a Broadway fire was soon clanging and puffing about the blazing car. The blaze was put out without turning on a pipe line and after getting on the uptown track at the Houston street switch, the car proceeded uptown. The blaze started in the motor.

OTHERS THAN 15 MAY RAID:

JEROME DOESN'T KNOW OF ANY NEW COMMITTEE ON GAMBLING.

But It's a Great Town for Committees -63,000 a Month Would Pay the Bills -It's Protected Gambling, Not Plain Gambling, That He

Objects To-Results in the Courts So Far. Just before Justice Jerome left his chambers for the day, yesterday, he said that this is a great city for committees and that if one doesn't see fit to carry on some particular line of activity another one might. Then he added:

"It would cost about \$3,000 a month to maintain a force of reputable and skilled detectives to follow up the work which the Committee of Fifteen has already begun. I don't wish to be understood as saying that I have any idea that any body of citizens is anxious to carry on the crusade against gambling, which was begun and carried to certain point by the Committee of Fifteen. don't know anybody who would pay the bills. "And that reminds me of something: If

it's of any particular interest to the gamblers or to anybody else, I might as well say now that, I'm not in the particular business of pursuing either the men who gamble or the men who run gambling houses. As there always has been gambling in most parts of the world, so, I suppose, there always will be gambling. I am no more opposed to the gamblers than I am opposed to any other set of lawbreakers. But if it be true that there always will be gambling, then I want the gamblers to be able to conduct their business without being compelled to pay tribute to the police. If there is to be gambling, there is no reason why those who conduct gambling houses should pay the police, or anybody else, for the privilege of doing business. What I am opposed to is the police sitting in the seat of custom and collecting at both ends of the line-from the citizens who pay their salaries and from the camblers who pay them in bribes.

"If you make it impossible for the police captain to receive pay for protecting crime you will come pretty near to making it impossible for criminals to flourish, whether they be gamblers or other kinds of lawbreakers. The police captain prefers to wink at violations of the law for the sake of the revenue there is in the winking. If you take away the revenue, he will see to it that the law is enforced that he may make for himself a record. When the police captains of this city and the police officers over them begin to vie with each other for a record in enforcing the law then there will be no need of crusades against gambling or other forms of lawbreaking, for the violators of the law will have been reduced to the mini-

the law will have been reduced to the minimum."

"Is there any likelihood of you and 'Betsy' making up in the very near future and going on with your work? the Justice was acked. He had quoted 'Betsy and I are out' in reference to his relations with the Fifteen.

"It all depends on 'Betsy." replied the Justice. "Barkis is willin"

"Is it a fact that you have in your possession certain evidence against the Doc family which the Committee of Fifteen has been led to believe should be presented to the proper authorities by the representatives of the committee?

"I have no evidence in my possession which the Committee of Fifteen doesn't know all about. I could not have obtained what I have collected without the assistance of the committee. It may be that all the evidence isn't in yet and that would account for its not being presented up to the present time to the proper officials. It may be that when 'Betsy' concludes to pursue the original line of activity and collect the additional evidence, which can be done, 'Betsy' and I wont be out any more."

brought to Newark to be tried on twelve indictments for forgery, failed to appear for sentence yesterday and forfeited \$10,000 bail. Roller was produced in court on June 11 and pleaded non vult contendre. His bondsman, Simon Wright, through his counsel, insists that the bond was fulfilled when Roller pleaded on May 21, but Judge Skinner declared the bond forfeited. Mr. Wright's counsel, George M. Titus, will probably contest the forfeiture.

Meanwhile the county authorities will probably make no effort to recapture Roller, leaving that task to Simon Wright, the bondsman. In court yesterday Wright was called upon thirty-six times to produce Roller, three fimes on each indictment. Court Crier Richard Harris sank exhausted when had finished the ta-k.

Roller disappeared from Newark last week, getting permission to go to Yenkers to raise getting permission to go to Yenkers to raise with the county of the county of the county and the county are considered when had finished the ta-k.

Roller disappeared from Newark last week, getting permission to go to Yenkers to raise for the county of the county and for the county and forfeited \$10,000 and then can be done, 'Betsy' and I wont be out any more.

I don't imagine there will be anything don't the finite hard the way the liden't specific for the hirty specific for the hirty specific for the hirty specific for the hir

HE ALONE MAY TAKE IN WHISKEY.

The One Man With the Privilege an Object of Envy at the Brooklyn Navy Yard.

There is one man who is permitted to take whiskey into the Brooklyn Navy Yard. That is officially and above board. When the liberty men return from a cruise ashore they are always searched for outside liquor. Workmen about the yard are similarly treated Frederick L. Colwell obtained against him when they pass the sentry inward bound, because Jack has been known to place commissions for the purchase of grog with them. Visitors are questioned when they enter.

Every warship has one or two gunners ruptcy proceedings on Feb. 2, 1900, and he contended that this judgment was wiped out by the bankruptcy proceedings. The judgment was the only debt Dr. Tinker had when he applied for his discharge. The bankruptcy discharge read in the usual way that Dr. Tinker was thereby discharged from all debts but those excepted include those arising from "the wilful and malicious injury of the person or property of another."

Justice Gildersleeve says this cause of action injured the person of Mr. Colwell in that it damaged his peace of mind and happiness, and that it injured the property of Mr. Colwell in depriving him of the right to the services of his wife and also of her comfort and society. He holds that such a judgment cannot be discharged in bankruptcy.

Tuptcy

* steel bulkings.
that nobody was looking, that come back to

steel bulkheads even when it was supposed that nobody was looking.

No HERLIHY TRIAL TILL FALL.

Demurrer to the Indictment to Be Argued Pirst and After That's Vacation Time.

Capt. John D. Herlihy was arraigned before Judge Cowing in General Sessions yesterday to plead to the indictment charging him with neglect of duty in his administration of the Red Light district, but as the captain's counsel was not ready to plead the Court granted an adjournment until Thursday. This adjournment practically eliminates the possibility of putting Herlihy on trial before fall, as with next Thursday's pleading will go a motion to inspect the Grand Jury's minutes and demurrer to the indictment. Before the Court will be able to pass on the motion and demurrer several weeks will have passed and in the summer court will be filled with prison cases. Capt Herlihy was released under \$1,000 bail. Michael F. Lyons, the Bowery restaurant keeper, went on his bond

DETAINED SENOR DIAZ.

Well-to De Perto Rican Sent Temporarily to Ellis Island.

Senor Bernard Diaz, a well-to-do Porto Rican, and his wife and child, who arrived

Roll the Red Light district, but as the captain's to plead to the indice with find a second-mate in the float it have in the float it was supposed that nobody was looking.

Not long ago the diver when had come back to the float to have his helmet removed and had indulzed in a second-mate's nip from the floak, when one of the crew of the Kearsarge sang out to him:

The diver, who is Irish and cores has abdomant. The diver, who is Irish and cores has abdomant of the crew of the Kearsarge sang out to him:

The diver, who is Irish and cores his abdomant. The diver, who is Irish and cores has abdomant of the crew of the Kearsarge sang out to him:

The diver, who is Irish and fond of any golden opportunity to joke, refied has even ward, smacked his lips with a great refused in a second-mate. The diver, who is Irish and across his abdomant is made in the float of the tenth of the float state of the Court will be able to pas "Jealousy A mean man fired that hunk

Educational Alifance's Roof Garden Opens. The roof garden on top of the Educational

Alliance building at East Broadway and Jefferson street was opened yesterday afternoon for the summer and was packed with children all day long. The garden is paved with brick which is sprinkled with white sand. Around the edges are placed hang-

SHOT SISTER AND MIMSBLY.

Boston Dental Student Had Delusion That His

Family Were Against Hant. Boston, Mass., June 24.-While under the delusion that his two sisters were his enemies Richard M. Freeman, formerly student at the Harvard Dental School, sho and instantly killed Rosa Freeman, his oldest sister, and then took his own life, on Chambers street early this afternoon.

The dead girl had been a teacher in one of the public schools up to within a year and

of the public schools up to within a year and was living with her sister Helen, a girl of 17, on McLean street. The murderer was 25 years old and had attended the dental school for two years, when straitened circumstances prevented him from completing his course. While at school, Freeman, his mother and two sisters kept house, but when he quit his studies, they broke up, the mother going to New Fork to live,

For the past two months Freeman has been talking suicide, but several newspaper men aided him in obtaining work and used every effort to get the suicide idea out of his mind. He had a huge revolver which he carried at times and often exhibited it as the weapon with which he intended to kill himself. His friends had him examined as to his mental faculties, and the experts pronounced him sane. Of late, the idea that his sisters were working against him became prominent in his talk and one evening he dictated a statement covering eleven typewritten pages, giving the history of his life and that of his family.

This afternoon he met the two sisters on Chambers street and fired point blank at Rosa. Then he fired two bullets into his own body.

YACHT IBIS ASHORE IN HELL GATE. She Went on Nigger Head at Low Tide, but Floated Off at High Water.

Gen. Samuel C. Lawrence's steam yacht Ibis, bound east, grounded on Nigger Point, reef, on the south side of Ward's Island, opposite Astoria, at low tide yesterday morning, and stuck fast until nearly 8 o'clock in the afternoon, when the flood tide floated her off. The wrecking tug W. E. Chapman ran close to the Ibis, and offered to haul her off for a consideration. The yacht's skipper said he would wait for the tide.

Pilots of craft that passed the Ibis while she was aground said that her name appeared to have been painted out. This was not true. It is more likely that the later report that the Ibis's skipper had put a strip of canvas over the yacht's name was correct. Naturally, he didn't like all the Hell Gate pilots passing to know who it was that had failed to emulate Capt. Manney of the battle-ship Massachusetts.

The private signal the Ibis flew revealed her identity to those who happened to have New York Yacht Club books. After the Ibis had backed into stream she headed up the Sound, apparently undamaged. her off. The wrecking tue W. E. Chapman

\$5 TO DAUGHTER. \$50,000 TO CITY. Mrs. Crane's Bequest for Drinking Fountains

-Daughter Begs for a Share. The Finance Department of the city of New York received a check yesterday from the Farmers' Loan and Trust Company, drawn on the National City Bank under an order from the Surrogate, dated June 7 which is to be used, if it is used at all, for the establishment of free drinking fountains, establishment of free drinking fountains. The money is part of the estate of Angelica Crane, who died on Sept. 19, 1894 Mrs. Crane left bequests to a number of charities and out her daughter off with \$5. The residue of her estate, amounting to \$52,209.28 in money and a large quantity of clothes, lewelry and household effects, she left to the city, with the request that it be used for the establishment of free drinking fountains. The trust company has the personal effects and the household goods now awaiting the order of the city.

household goods now awaiting the order of the city.

Mrs. Crane's daughter is Mrs. Edith H. Simmons of Yankton, S. D. and David Mctiure has notified the city that she would like a part of the money and the personal effects on the ground that she is the only heir, and has to support a daughter 7 years old.

AIRSHIPS ON BIBLE PLAN. Texas Minister the Inventor, and He Says

They'll Fly. AUSTIN, Tex., June 24 .- The charter of the Ezekiel Airship Company, with principal office and factory at Pittsburg, Tex., was filed in the Secretary of State's office to-day The company is composed of twenty of the leading business men of Pittsburg and they propose to manufacture airships on the plan invented by the Rev. Burrell Cannon, a mints-

ter of Pittsburg.
The Rev. Burrell Cannon asserts that he obtained his idea as to the new principle which he has adopted in the new principle which he has adopted in the manufacture of ali ships from the book of Ezekiel in the Bible and that it is a success. He recently completed his first airsulp after seven years of work, and the trials which have been made of it at Pittsburg are said to have been highly successful.

MRS. ABBOTT WOULDN'T PROSECUTE. Church Trustee's Wife, Who Had Him Arrested for Assault, Let Him Go Free.

When William M. Abbott, the manager of the New Jersey Transfer Company and trustee and treasurer of the First Reformed Presbyterian Church, who was arrested on Saturday on his wife's charge of assault, appeared for examination in Jeferson Market police court yesterday, his wife failed to appear and the case was dismissed. They got into a row on a Hoboken ferryboat and she struck at him with an umbrella. Abbott disarmed his wife and in doing so cut her

Attachment Against a Piano Company.

Deputy Sheriff Strauss received an atachment yesterday which was granted by Judge Nishet of Montgomery county, N. V. against the American Piano Manufacturing against the American Plano Manufacturing Company, Fifth avenue and Forty-second street, for \$18,365, in favor of Roth & Engelhardt, manufacturers of plano actions, for babance due on goods delivered and for alleged breach of contract for non-acceptance of a quantity of "harmonists," manufactured under contract. The attachment was granted on the ground that the company is a New Jersey corporation. It is said to be a disputed matter.

Twenty-seven marines and eight sailors were removed from the navy yard in Brooklyn to the Norfolk Navy Yard yesterday They were sentenced to serve various periods of imprisonment on the prison ship Southery at Norfolk for attempted describe at that naval station. They were escorted by a guard of twenty men in command of Capt.



Suits with the back out-that is the lining back; half-lined we call them.

\$18, \$22 and \$25.

Everything cooling: Panama hats. Low shoes. Negligee shirts. Flannel and serge suits. Ice water.

ROGERS, PERT & COMPANY.

258 Broadway, cor. Warren, and 7 and 9 Warren St. 569 Broadway, cor. Prince, 1200 Broadway, cor. 32d, and 54 West 33d St.

IF YOURE FISHING (FOR COMPLIMENTS) Smoke the benetactor High Grade 10¢ Cigar

> ACKER, MERRALL & CONDIT, AND METROPOLITAN TOBACCO CO., Distributors.

MRS. WEAVER'S FORGERIES:

GROUNDS ON WHICH HER HUSBAND ASKS FOR LEGAL SEPARATION.

He Alleges Cruel and Inhuman Treatment, in That His Wife Forged His Name and the Names of Business and Society Friends to Various Notes Aggregating \$9,760. ROCHESTER, June 24.- The suit of Simon J Weaver head of the firm of Weaver. Palmer & Richmond, for a legal separation from his wife. Alice H., went to trial before

Justice Nash in the Supreme Court this afternoon. The Weavers move in the most exclusive Rochester society and are wealthy. Mrs. Weaver, her husband alleges, has forged his name and the names of business and society friends to notes aggregating \$9,700. An outcome of this suft was the indictment of Mrs. Weaver for forging the name of Martin Davis of the law firm of Baker, Davis & Baker, to a note for \$1,200, the note being discounted at the Commercial Bank and the proceeds paid over to Mrs. Weaver.

People prominent in Rochester society sat in the court room and listened to the testimony of several bankers who described one by one the forgeries charged against Mrs. Weaver. At one time in the examination the Hon. John Van Vorhis, Mr. Weaver's lawyer, had a handful of notes aggregating thousands of dollars, and which were discounted at various Rochester banks, the banks later finding that they were not worth the paper they were written on.

The first witness called was Albert O. Fenn, Vice-President and cashier of the Allance Bank. A promissory note for \$1,000 was shown to the witness, who identified it as being the same that was presented to the bank by the defendant on June 10, 1900. He said that the signature of Mr. Weaver was forged. He was familiar with his bandwritter.

with his handwriting.

Several other notes were produced, all
of which Mr. Fenn declared to be forgeries,
of which Mr. Fenn declared to be discovered. Mr. Fenn described how he discovered the first forgeries and how Mr. Weaver when informed of his wife's act, turned pale. He also said that Mr. Weaver in-

when informed of his wife's act, turned pale. He also said that Mr. Weaver indorsed the first two notes, amounting to \$2,200, to save his wife any inconvenience, "Mrs. Weaver said to me," continued the witness, "that she didn't know how she came to do such a thing and that she realized how serious the offence was."

Thomas J. Swanton, eashier of the Commercial Bank, was next called, and identified several of the Weaver notes as forgeries. A statement signed by Mrs. Weaver was shown to the witness. It was made in Mr. Swanton's presence. When, it had been received in evidence Mr. Van Vorhis read it aloud. It was a written confession that the signatures of the two indorsers on a \$1,200 note which was discounted at the Commercial Bank were forgeries. Mr. Swanton also testified that the signatures were forgeries. He said Mrs. Weaver made an oral confession to him. Former Congressman Henry C, Brewster testified to forgeries of notes discounted at the Traders Bank.

The cross-examination of the various witnesses did not seem to be directed toward disproving the forgery charges and the defence has not yet even intimated

toward dispreving the forgery charges and the defence has not yet even intimated what ground will be taken. It is thought that they will stand upon the broad ground that such acts as are alleged in the case and preven on the stand do not be case and proven on the stand do not constitute "cruel and inhuman treatment," which it is necessary to prove in order to obtain

legal separation.

Mr. Weaver has not paid his wife's bills months Judgments are frequently taken against him for dressmakers and milliners bills. He has contested each case in court and has appealed one on the ground that he is not responsible for his wife's

FESTETICS AND HIS BOY GONE. Wife Tries to Get an Indictment, but Gets Only a Writ of Habeas Corpus.

District Attorney Philbin disappointed Miss Rosalie Loew, of the Legal Aid Society yesterday when she went to him with a complaint charging Gyula de Festetics described as a Hungarian Count, with kidnapping his own son. Miss Loew thought that the complaint should form the basis of an indictment against Festetics, but failed to convince the District Attorney that any specific crime was committed by a man who took possession of his own child by a man who took possession of his own child

The complaint set forth that some weeks ago the Festeticses signed papers in a voluntary separation. Mrs. Festetics was formerly Miss Elsie Haven. By the terms of the separation, the custody of the son was given to the nother, with permission to the father to see him at intervals. After the signing of the papers Festetics and the child disappeared. The mother found the pair at Cornwalison-the-Hudson and had Festetics arrested, charged with assault and convicted in the special Sessions. Then on her request Justice Jacobs parolad Festetics on John 15, the complaint says. Festetics called on his wife to see the child and took him away.

You can't always get an indictment when you want one but you can always get a writ of habeas corpus on any reasonable allegations. So Miss Loew got a writ from Justice MacLean in the Supreme court. Festetics's wife alleged that her his band took the child to different places along the New Jersey coast, but that she has since lost trace of their movements size fears they may have gone to Europe, which is further than the writ will run.

Expected Convict to Try Suicide. John Coogan, a second-story man, was

sentenced to nine years and eight months imprisonment at Sing Sing by Judg Newburger in General Sessions yesterday Warden Hagan of the Tombs asked Judge Ve fill orders by mail.

We fill orders by mail.

We fill orders by mail. COSTS \$476.20 TO BURY COL. MOONEY DESERTER PUT IN TRONS Undertaker Who Not Only Got the Job but Got

Judgment for His Bill. Louis Mand and Albert Caron, undertakers in The Bronx, obtained a judgment for \$476.20 yesterday before Justice Giegerich of the Supreme Court for burying Col. James of the Supreme Court for burying Col. James
J. Mooney, Assistant Superintendent of
Highways. The bill was disputed by the
widow, Hester E. Mooney, as administratrix.
She deposited \$200 in court, saying that was
all the services were worth
Mrs. Mooney testified that about two
months before her husband died Mr. Mand
celled on her and requested that his firm
have the funeral, which he said would be
the making of his firm, then starting in business. It was to help them along that she
gave the order to them when Col. Mooney
died. She said her order called for a coffia
at \$125, and that the other expenses should
not have exceeded \$200.

at \$125, and that the other expenses should not have exceeded \$200.

Lawyer William O. Gantz, who was temporary administrator of the estate at first, testified that he received only \$775.80. He said Mand had tried to collect the bill from him. Asked if he had threatened to kick Mand downstairs, Mr. Gantz said:

"I don't think I went as far as that; but I told him the language he employed on the occasion was not of a description I would tolerate, and he left."

The Judgment is for the full amount of the claim.

TRIED TO DIE IN THE STREET. Crowd Watched Charles Lamb Shoot Himself -He Seemed Crazy.

Charles A. Lamb of Briggs street, in The Bronx, a collector employed by the Consolidated Gas Company, attempted suicide yesterday afternoon by shooting himself twice in the head in the street. Lamb sat down on the curb at 114th street and Third avenue. When asked if he was sick he made no reply and looked dazed. Thirty or forty persons collected to watch him. While they stood there Lamb jumped to his feet, pulled a revolver from his pocket and fired two bullets into his temple.

"Thank God, it's all at an end now," he remarked, as he did so. He was taken to Harlem Hospital in a critical condition. A rosary, two cents, a penknife and two pieces of small note paper were found in his pockets. On one of the pieces of paper was written. dated Gas Company, attempted suicide

On one of the pieces of paper was written:

"They have hounded me out of my position I have held for the past sixteen years. It was done through petty spite, but never mind. I go to meet my Maker with a clear mind and conscience." mind and conscience."

According to the writing on the other piece of paper, Lamb had tried to kill himself an hour before, but the revolver wouldn't go off. He said in this that a man dogged him so that he was forced to leave his job. him so that he was forced to leave his j and even his wife had turned against him.

DODGED BOTTLE OF ACID. Woman Threw It at Her Escort as They Were

Leaving Schuetzen Park. A young man and a young woman who were at Schuetzen Park, Union Hill, N. J., early yesterday morning, had a quarrel as early yesterday morning, had a quarrel as they were leaving the place. The woman drew a bottle of carbolic acid from her pocket and hurled it at the young man's face. He dodged it and the bottle broke on the side-walk. Then the man struck the woman and she fell unconscious. Another man pushed through the crowd and, seizing the woman put her into a carriage, and drove away.

Company to Carry New York's Malla.

The company incorporated at Albany on Saturday last under the name of the New York Mail Company expects to obtain the sub-contract for carrying the United States mails between the General Post Office and the various branch offices, ferries and railrond stations in the city. Among its incorporators are William H. Weighel, who held the mail carrying contract last year and was the successful bidder for the contract for the coming year, and George G. Travia, who held the sub-contract last year. Mr. Weighel proposes to turn over his newly acquired contract to the new company. The service will have to be considerably extended in order to carry the mail hitherto distributed through the propulation to the service, which will be discontinued on July I. York Mail Company expects to obtain the

DISCOVERED AMONG THE FILIPINGS WHO SURRENDERED AT SANTA CRUS.

osed as Native and Took the Oathof Allegia With Cailles's Men-Latter Refuse Pay-ment for the Surrendered Arms-Leader Faints During the Corenson Special Cable Despatch to THE SUM

MANILA, June 24. - Private Frank Meekin of the Thirty-seventh Volunteers, who describe some time ago and joined the insurgent force under Gen, Cailles, surrendered with Cailles's command at Sapta Cruz to-day. He was not recognized until after he had taken the oath of allegiance with the others. He is now confined in the guardhouse in irons. He will be tried at Munila, although his regiment has been mustered out.

A corrected count of the arms turned in by Cailles's men to-day shows that see rifles and 4,000 cartridges were surrendered. The Filipinos of Laguna de Bay province are giving Gen, Cailles a rousing reception. The surrender of the insurgent force ocoupled two hours. Gen. Caffles personally superintended the stacking of arms, which included 100 captured Krag-Jorgensens. The

rifles were stacked in the courtyard of the church. Gen. Sumner and his aids then started to disribute certificates of \$30 each to the men who had surrendered rifles. Gen. Cailles protested indignantly, saying that the rides were given up by his men voluntarily and he could not therefore sell them to the Americans. After he had spoken he broke down, weeping. Some of his officers and men also cried.

Cailles's adjutant then collected the certificates and they were returned to Gen. Sumner. The insurgent leader then made a farewell address to his troops, in which he commanded them to adhere to the United States and uphold American institutions. When he had

concluded he fainted from grief and heat. Later Cailles visited Summer's headquarters and introduced his officers and the insurgent municipal officers. He then accompanied Gen. Sumner to the Plaza bandstand, where the oath of alle-

giance was administered by Chaplain Hart' to the entire insurgent force and the municipal officials, the ceremony concluding with the playing of the National anthem. With the exception of Meekin, the entire Filipino force was liberated. Many of them

are mere boys, but they are fine physical The surrender was unmistakably sincere, but it was also very sad, although it had been intended to make it a grand festival. Cailles holds the universal respect of the natives and the Americans in Santa Cruz and the town to-day is celebrating the reunion of the men with their families. The insurgents are on the friendliest terms with the Americans and both participated in the drinking and the

dancing.

Washinoton, June 24.—Gen. MacArthur's cabled the War Department to-day from Manila announcing the surrender of Gen.—Calles at Santa Cruz. He says:

"Gen. Cailles surrendered to-day. Santa Cruz. Luzon, 386 riles, 4,050 rounds ammunition, about 600 officers and men; has taken on the allegiance." oath of allegiance."

Gen MacArthur also reports the arrival of
the transport Lawton from San Francisco
with companies K and L of the 11th Infantry.

Painter Killed on the Elevated. John J. Beggin, a pointer of 1841 Third avenue, was killed yesterday by a train while he was painting the Third Avenue Elevated at Ninety-fourth street. He stepped aside by let a down train pass and was struck by the engine of a northbound train, which he did not see approaching. William S. Gordon, the engineer, was paroled by Coroner Zucca.

The Luxury of Sleep.

continued on July 1

The blessings of quiet and peaceful slumber are reserved for those who have a good digestion. Nature's wonderful powers were

never more thoroughly demonstrated than in the usual work the stomach performs, so that when all reasonable

bound have been passed and the stomach rebels, we must take heed. It isn't merely in the dyspeptic pains that the outraged stomach declares itself. It is in disordered nerves. It is because the stomach is a great nerve centre and when it is overworked it becomes a storm center. It is the action of the nerves that prevents the relaxation necessary to induce sleep, and when these nerves are kept agitated by a disturbed digestion it is no wonder we can't sleep.

How few of them understand that the real seat of trouble is with their digestive apparatus? They don't understand it because they have little or no pain or distress of any kind. Its effect on them is on their nerves, which keep them wide awake no matter how exhausted they are with physical fatigue. When you take into account that these same sufferers are not only being denied the recuperative power of natural sleep but are not getting half benefit of their food because it isn't assimilated, it's no wonder they soon show wear and tear. The genuine Johann Hoff's Malt Extract is the perfect solution to such conditions of body and mind. It brings the nerves promptly under subjection by dispersing the aggravating cause, and sleep comes of its own accord. This famous preparation is not a stimulant which reacts, nor a narcotic in the least degree. It is universal in its belp to natural efforts in digesting and assimilating food, and therein lies its great virtue and well-merited fame.

Through its prompt and efficient aid in assisting the action of the stomach Johann Hoff's Malt Extract becomes the perfect strength and flesh and blood builder. It helps you get the benefit of your food and stops all waste. The old world and the new have thousands of voices who praise the genuine Johann Hoff's Malt Extract for sound sleep and perfect digestion. Why do you suffer without testing its virtue in ar own cases